

PATENT COOPERATION TREATY

From the:
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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PCT

WRITTEN OPINION
(PCT Rule 66)

Date of mailing
(day/month/year)

25 SEP 2003

Applicant's or agent's file reference
1237.P004PCT

REPLY DUE

within **ONE MONTH**
from the above date of mailing

International Application No.

PCT/SG03/00078

International Filing Date (day/month/year)

11 April 2003

Priority Date (day/month/year)

16 December 2002

International Patent Classification (IPC) or both national classification and IPC

Int. Cl. ⁷ E06B 3/74, E04C 2/36

Applicant

MALAYSIA WOODWORKING (PTE) LTD et al

DOCKETED (fny)

duedate: 25/10/03

1. This written opinion is the **third** drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

3. The **FINAL DATE** by which the international preliminary examination report must be established according to Rule 69.2 is:
16 April 2005

4. The applicant is hereby invited to reply to this opinion.

When? See the Reply Due date indicated above. However, the Australian Patent Office will not establish the Report before the earlier of (i) a response being filed, or (ii) one month before the Final Date by which the international preliminary examination report must be established. The Report will take into account any response (including amendments) filed before the Report is established.

If no response is filed by 1 month before the Final Date, the international preliminary examination report will be established on the basis of this opinion.

Applicants wishing to have the benefit of a further opinion (if needed) before the report is established should ensure that a response is filed at least 3 months before the Final Date by which the international preliminary examination report must be established.

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis.
For an informal communication with the examiner, see Rule 66.6.

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WRITTEN OPINION

International application No.
PCT/SG03/00078

I. Basis of the opinion

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
pages , as amended under Article 19,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"

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V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-19	YES
	Claims	NO
Inventive step (IS)	Claims 1-8, 10-18	YES
	Claims 9, 19	NO
Industrial applicability (IA)	Claims 1-19	YES
	Claims	NO

2. Citations and explanations

INVENTIVE STEP (IS): Claims 9, 19

(a) US 1887814

(b) US 2288104

(c) US 4894974

Claims 9 and 19 each lack an inventive step with respect to each of the citations (a)-(c). The invention defined in each claim is merely a variation of the invention disclosed in each citation and the person skilled in the art (PSA) would arrive at the claimed invention by general experimentation alone without exercising any ingenuity.

I must re-iterate my previous argument, ie the person skilled in the art (PSA) would consider it obvious to use scrap material while fabricating hollow structures and their components thereof. The use of scrap wood is well known in the art as is indicated by patents such as EP 159457, DE 4227691, SU 1787186, US 5738924 and US 20020106498. Each of these citations disclose how scrap wood is used for making components of building structures such as door and window panels, roofs etc. Given this indication of the wide use of scrap wood in the art, I cannot see how particularly making a rib for a hollow structure from scrap wood can be inventive.

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VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Claim 9 is not clear because I cannot make out what steps comprise the method. True, the method is to 'use scrap wood for modular components to form at least one panel rib' but then what all is involved in this 'using'? The 'using' itself cannot be the method. You probably meant to define further that (a) modular components comprising engagement members, complementary engagement members and connecting members are made from scrap wood and (b) these members are joined together to form at least one panel rib of the hollow structure.

I regret the inconvenience caused by making this observation at this stage.